



Greater Hartford Legal Aid

**Testimony of Attorney Susan Garten  
In Support of RB 714, AAC Retaliation for Use of Paid Sick Leave  
February 10, 2009**

I am here to support RB 714 on behalf of the low-income workers who are represented by legal services attorneys across Connecticut.

RB 714 is that rare proposal that enhances protections for workers without imposing any new mandates on employers. It simply says that if a company has a paid sick leave policy, the company cannot punish its employees for taking up to two weeks of sick leave that the employee has earned under the company's policies.

We at legal services have represented numerous low-income individuals who were fired or otherwise disciplined for using their sick leave. While we are able to win unemployment benefits for them, that is poor compensation for the stigma of an adverse personnel record or the loss of a job in this crumbling economy.

The proposed bill closes two gaping holes in the protection afforded employees who need to take accumulated sick leave.

First, it extends the same protection to employees of smaller companies that already exists for employees of larger companies. In 2003, the legislature enacted an amendment to the Connecticut Family and Medical Leave Act (CT FMLA) which prohibited employers from retaliating against employees who use up to two weeks of accumulated sick leave. (P.A. 03-213, S. 1, now Conn. Gen. Stat. § 31-51pp(c)(1).) But that law left out the approximately one quarter of Connecticut workers who work for companies with fewer than 75 employees. This important protection should be afforded to employees who work for smaller employers.

Second, current law inadequately protects even workers covered by the CT FMLA. Only illnesses that meet the FMLA definition of a "serious health condition" qualify for FMLA leave. For example, a worker cannot take FMLA leave because he or she has the common cold, the flu, an ear ache, an upset stomach, a minor ulcer, or a headache. (R.C.S.A. §31-51qq-1(u).) The proposed bill would allow workers who had accumulated sick leave under their employer's sick leave policy to use that leave even if their illness was not a "serious health condition" under the FMLA.

We also agree that the Department of Labor has the expertise to adjudicate violations of this provision, since it already handles similar FMLA disputes and larger companies' violation of their own sick leave policies for workers.

We urge the adoption of RB 714.

Greater Hartford Legal Aid, Inc.

999 Asylum Avenue, 3Fl. Hartford, CT 06105-2465 • Tel: 860. 541. 5000 • Fax: 860. 541.5050 • TTY: 860. 541.5069 • [www.ghla.org](http://www.ghla.org)

